IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WA.No. 2643 of 2007

AGAINST THE ORDER IN WPC.12104/2007 Dated 22/10/2007

.....

APPELLANT: PETITIONER IN WP(C):

T.N. CHANDRAN,
AGED 47,
S/O. MEENAKSHI AMMA,
E.N. HOUSE, ACHAMPEEDIKA P.O.
KALLIYASSERRY, KANNUR.
(CHAIRMAN, MALANAD EDUCATIONAL AND CHARITABLE TRUST,
KALLIYASSERY,
REGISTRATION NO.208).

BY ADV. SRI.P.V.MOHANAN

RESPONDENTS: RESPONDENTS IN WP(C):

---

1. STATE OF KERALA,
   REPRESENTED BY SECRETARY,
   GENERAL EDUCATION DEPARTMENT,
   GOVERNMENT SECRETARIAT,
   TRIVANDRUM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
   TRIVANDRUM.

3. DEPUTY DIRECTOR OF EDUCATION,
   KANNUR.

4. ASSISTANT EDUCATIONAL OFFICER,
   TALIPARAMBA.

5. VALSAN MADATHIL,
MADATHIL HOUSE, CHOWA P.O.,
KANNUR.

6. M.P. MADHUSOODHANAN,
MEENPATTY, THIMIRI,
P.O. VAYATTUPARAMBA,
KANNUR DISTRICT.

R1 TO R4 BY SR.GOVERNMENT PLEADER SMT.K..MEERA.
ADV.SRI.GEORGE POONTHOTTAM.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/11/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

W.A.No.2643 of 2007

Dated this the 12th day of November, 2007.

J U D G M E N T

H.L.Dattu, C.J.

This appeal is filed against the interim order passed by the learned Single Judge in W.P.(C) No.12104 of 2007 dated 22nd October, 2007.

(2). One Sri. T.N.Chandran, in the writ petition filed under Article 226 of the Constitution, has called in question the orders passed by the State Government in G.O.(Rt) No.991/07/G.Edn dated 05-03-2007. By the impugned order, the State Government had set aside the orders passed by the Director of Public Instruction dated 16-12-2006 and the consequential order passed by the Assistant Educational Officer dated 23rd December, 2006.

(3). Consequent to the orders passed on 05-03-2007, the State Government has passed yet another order dated 15-09-2007. The order made by the State Government is as under:

> *"In the above circumstances, Government examined the case and are pleased to accord sanction for changing the designation of Sri.Valsan Madathil as Approved Manager so as to enable him to perform the duties of a Manager and also for the smooth functioning of the day to-day affairs of the above school."*

(4). Curiously, the said order of the State Government is not

even questioned by the petitioner in the writ petition filed.

(5). Learned Single Judge, by his order dated 22nd October, 2007 has only granted an interim order. The interim order passed by the learned Judge is as under:

> *"Any appointment made would be subject to the result of the Writ Petition. Post for hearing."*

(6). In our opinion, since the petitioner/appellant has not called in question the orders passed by the State Government dated 15-09-2007, we do not think that, any reliefs sought for by the petitioner/appellant can be granted by us in this appeal. Therefore, the writ appeal is rejected, for the present. Liberty is reserved to the petitioner/appellant, if he so desires, to question the correctness or otherwise of the orders passed by the State Government dated 15-09-2007, before appropriate Forum.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

MS/DK.